

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No: 10559 of 2004

Between:

1. Rate Payers Association, Satthenapalli,
Rep., by its Secretary Kambhyala Venkateswara Rao,
S/o. Nagabhushanam, Aged about 47 years,
R/o. Satthenapalli Town & Mandal, Guntur District.
2. Devisetti Nageswara Rao, S/o. Rama Swamy,
Aged about 67 yrs,
R/o. Satthenapalli Town & Mandal, Guntur District.
3. D.V. Sivarama Swamy, S/o. Nageswara Rao,
Aged 43 years,
R/o. Satthenapalli Town & Mandal, Guntur District.

..... PETITIONERS

AND

- 1 The Satthenapalli Municipality, Rep., by its
Commissioner, Satthenapalli, Guntur District.

2 The Government of A.P., Rep., by its Secretary,
Municipal Administration & Urban Development
Department, Secretariat Buildings, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the 1st respondent in demanding the property tax from the petitioners contrary to the G.Os. issued by the 2nd respondent under G.O.Ms.No.154 MA Municipal Administration and Urban Development (TC-I) Dept. dt.08.04.2002 and G.O.Ms.No.167 MA Municipal Administration and Urban Development (TC-I) Dept. dt.18.04.2002 is illegal, arbitrary, unconstitutional and contrary to the provisions of Municipalities Act and consequently direct the 1st respondent to levy and collect the property tax from the petitioners basing on the above G.Os. and pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstance of the case.

Counsel for the Petitioners: MR.G.KRISHNA MURTHY

Counsel for the Respondent No.1: MR.S.NAGESWARA REDDY

Counsel for the Respondent No.2: GP FOR MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT.

The Court made the following:

THE HON'BLE SRI JUSTICE G. BIKSHAPATHY

AND

THE HON'BLE SRI JUSTICE P.S. NARAYANA

WRIT PETITION No.10559 of 2004

ORAL ORDER:- (PER GB,J.)

The Writ Petition is filed seeking Writ of Mandamus directing the respondents to collect the tax from the petitioners in pursuance of G.O.Ms.Nos.154 and 167 MA Municipal Administration and Urban Development (T.C.I.) Department, dated 08.04.2002 and 18.04.2002 respectively.

2. It is the grievance of the petitioner that the property tax is being demanded over and above the stipulations made in the aforesaid Government Orders. Therefore, the petitioners seek appropriate direction.

3. Learned counsel for the 1st respondent- Satthenapalli Municipality fairly submits that they are collecting the property tax only in accordance with the aforesaid Government Orders and they are not collecting any tax beyond the stipulations made in the said Government Orders.

4. In view of the submissions made by the learned counsel, the Writ Petition is disposed of directing the 1st respondent- Satthenapalli Municipality to collect the property tax in accordance with the aforesaid Government Orders only.

5. Accordingly, the Writ Petition is disposed of. No costs.

G. BIKSHAPATHY, J

P.S. NARAYANA, J

Date: 31.03.2005

ES

To

1 The Commissioner, Satthenapalli Municipality,

Satthenapalli, Guntur District.

2 The Secretary, Government of A.P.,

Municipal Administration & Urban Development

Department, Secretariat Buildings, Hyderabad.

3 2 CCs to the GP for Municipal Administration and Urban Development, High Court
of A.P., Hyderabad (OUT).

4 2 CD copies